

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

L.E., by his next friend and parents,)
SHELLEY ESQUIVEL and)
MARIO ESQUIVEL,)

Plaintiff,)

v.)

No. 3:21-CV-00835

BILL LEE, in his official capacity as)
Governor of Tennessee, et al.)

Defendants.)

SECOND JOINT REPORT OF PARTIES REGARDING SETTLEMENT EFFORTS

Counsel for Plaintiff and Defendants have conferred again on the possibility of settlement and whether the case should be referred for mediation. Previously, the parties discussed options for resolving the case, including an offer by Plaintiff and responses by Defendants, in May. The parties have been actively engaged in discovery for several months now and are on track to complete discovery shortly.

On August 2, 2022, counsel for the parties conferred regarding settlement and continue to be in agreement that settlement is not possible in this case. Plaintiff brings constitutional and statutory claims challenging SB 228, a law passed by the Tennessee legislature in 2021.

Plaintiff asserts settlement is not possible on the following grounds: The law prohibits L.E. from playing on his high school's boys' golf team, and there is little ground on which the parties can find compromise between SB 228's prohibitions and allowing L.E. to play; he either is allowed to play on the boys' team or he is not. Further, absent an act of the legislature,

Defendants do not have the authority to allow L.E. to play on the boys' team in contravention of the law, foreclosing the possibility of settlement.

The State Defendants assert settlement is not possible on the grounds that Plaintiff does not have standing, the claims are not ripe for review, and that the challenged statute is constitutional.

County Defendants assert settlement is not possible as they do not have authority to allow L.E. to play on the boys' team in contravention of the law.

The parties have made a good faith effort to identify possible avenues for settlement, and agree that it is not possible due to the unique nature of the case. Accordingly, the parties have not and do not intend to pursue mediation or another form of alternative dispute resolution.

Respectfully submitted this 8th day of August 2022.

/s/ Stella Yarbrough

Stella Yarbrough (No. 33637)

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